

1 that the CLEAN investigation by Ignatz and Fultz had
2 already concluded, correct?
3 **A. Yes.**
4 **Q.** You knew there was no CLEAN Rule violation?
5 **A. Correct.**
6 **Q.** Did you know why it would have taken four months
7 for a letter of clearance to be sent from Sanky?
8 **A. It's a week after Gregg Johnson conducted a**
9 **review on December 5th, 2007.**

10 **Jesus Christ, I need a break.**

11 -----
12 (Whereupon, a short break was taken.)

13 -----
14 (Whereupon Exhibit Nos. 12, Complaint and
15 13, Answer, were marked for identification.)

16 -----
17 BY MR. PURICELLI:

18 **Q.** Major, I'm showing you two documents. One marked
19 as Hill, which is a Complaint filed in this action and
20 13 which is the Answer filed in this action. Have you
21 ever seen 12 before?

22 **A. 12 is the complaint. I imagine at some point,**
23 **yes.**

24 **Q.** Do you have any direct recollection of seeing 12
25 before?

1 Complaint before, correct?

2 **A. I have no independent. I think I did see it at**
3 **some point. I think I testified to that. I don't**
4 **remember seeing it. I don't remember the details of it.**

5 **Q.** That is fine. So, you don't know whether the
6 police officers in Virginia, Adams and Russels, live in
7 Virginia or where they live, correct?

8 **A. I have --**

9 **Q.** You just don't know?

10 **A. Right.**

11 **Q.** And you didn't find out, right? There is nothing
12 in here to indicate that, right, in this pile of paper?

13 **A. I don't know what. There may be some reference.**

14 **Q.** Did you talk to anybody about those two officers?

15 **A. Not that I recall.**

16 **Q.** Okay. Do you know who Sara Nicole Bush is?

17 **A. By reference in those reports.**

18 **Q.** Aside from that, do you believe that person in,
19 Sara, identified as Sara Bush is the Sara Bush that was
20 named as a defendant here?

21 **A. As far as I know.**

22 **Q.** Okay. Do you have any reason to believe that
23 David Bush is not the natural father of the three Bush
24 children as indicated in all those reports?

25 **A. I have no knowledge about that subject at all.**

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1 **A. No.**

2 **Q.** Looking at 13, have you ever seen that document
3 before?

4 **A. I don't recall having seen that.**

5 **Q.** I'll represent to you that was a document filed
6 on your behalf. It's filed under certain rules of
7 penalty if it's not true. Your attorney will tell you.

8 Specifically, it mentions your name at paragraph
9 7 through 21, 25 and 28. Do you see that?

10 **A. Yes.**

11 **Q.** Okay. It represent that you were without
12 knowledge or information sufficient to form a belief as
13 to the truth of the factual allegations contained in the
14 paragraph. Did I read that essentially correct, in all,
15 where it mentions your name?

16 **A. I didn't read every one where it mentions my**
17 **name.**

18 **Q.** You're free to check.

19 **A. I'll take your word, Counsel.**

20 **Q.** I will tell you and your attorney can correct me
21 if I'm wrong, where it says you lack information, it
22 refers to the paragraph. It's referring to a paragraph
23 in the Complaint?

24 **A. Okay.**

25 **Q.** And you have no recollection of seeing the

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1 **Q.** Do you any have reasonable belief he is not the
2 natural father?

3 **A. I have not.**

4 **Q.** From the records we've seen, gone over today, did
5 you form a belief that he is or is not the father of
6 those children, the natural father?

7 **A. I have no belief on that subject.**

8 **Q.** One way or the other?

9 **A. No.**

10 **Q.** Okay. So, there's nothing in those records that
11 would indicate to you that he was the natural father?

12 **A. Not that I recall, no.**

13 **Q.** Was there anything that you read in any document,
14 the ones we have gone over to believe that David Bush
15 was the father of those children and they were born of
16 the marriage with Sara during the course of the
17 marriage?

18 **A. What is the question, Counselor?**

19 **Q.** You indicated that there were extensive divorce
20 and custody proceedings?

21 **A. Uh-huh.**

22 **Q.** We showed you some of the petitions. Don't those
23 petitions indicate he is the father, the natural father
24 of those children and identify the children by name?

25 **A. I don't recall if this names him as the natural**

1 father or not. I have no information to say that he is
2 not.

3 Q. Okay. Do you have any information that at the
4 time these children were born, they were not residents
5 and domicile in Pennsylvania?

6 A. I don't recall.

7 Q. Well, sitting here today at a deposition, can you
8 say at any time that somebody told you that the children
9 and the parents when one left weren't domicile and
10 residing in Pennsylvania?

11 A. I don't recall anything on those lines.

12 Q. You read all the PFA stuff, you relied on for
13 your testimony?

14 A. Yeah.

15 Q. What did it tell you about the children?

16 A. I don't recall every word of what the PFA may
17 have said. I don't have any information how to answer
18 your question.

19 Q. When this Answer was prepared, it said you didn't
20 know anything.

21 MR. HENZES: He didn't say that.

22 MR. PURICELLI: Let's read it again.

23 Defendant Hill is without knowledge?

24 MR. HENZES: No.

25 MR. PURICELLI: Or information.

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1 MR. HENZES: Which one are you reading.

2 MR. PURICELLI: I'll read them all.

3 MR. HENZES: Pick one.

4 MR. PURICELLI: 7.

5 MR. HENZES: First, it says defendant, not
6 defendants.

7 MR. PURICELLI: The defendants, Hill, Ignatz
8 and Tripp, all three say are without knowledge or
9 information sufficient to form a belief as to the truth
10 of the factual allegations contained in this paragraph
11 where the allegation talks about who the father was,
12 natural father was, of the children, the Bush children.
13 Okay?

14 THE WITNESS: Okay.

15 BY MR. PURICELLI:

16 Q. You've testified extensively that you read all
17 these court papers, petition orders and you took in the
18 totality of the circumstances, the conduct. Isn't that
19 your testimony?

20 A. Sure.

21 Q. Are you telling me you reviewed all these
22 documents after March 5th, 2008?

23 A. At some point, I looked at all the stuff, yeah.

24 Q. Did you look at the documents we talked about,
25 those petitions, those court orders, the ones that you

1 described in detail and the file you brought today,

2 before or after March 5th, 2008?

3 A. Both.

4 Q. Okay. So, before this Answer was filed for you,
5 in federal court, you had information as to whether or
6 not David Bush was a natural father?

7 A. I don't know if I did or not to say weather he
8 was the natural father.

9 Q. Did you have the petitions that you had in your
10 file available for you?

11 A. Yeah. They were available to me.

12 Q. Did you review all that weren't attached?

13 A. Counsel, I answered you question. I have no
14 knowledge, independent knowledge.

15 Q. Were all those files and records and orders all
16 attached?

17 A. I don't know.

18 Q. To investigate a report?

19 A. Why don't you be specific? Everything we went
20 over this morning, I had.

21 Q. Well, let me look, Ignatz 5 right here. All
22 those orders talk about who is the father and whose
23 children in the reports?

24 MR. HENZES: That doesn't mean that he knows
25 that to be a fact. That's all the answer is saying. It

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1 is not saying he is denying the fact. That says he
2 doesn't have sufficient information to verify the
3 factual allegation. That's all it's saying.

4 MR. PURICELLI: Counselor, it's your client
5 out there, a Rule of Violation.

6 MR. HENZES: There is no Rule of Violation.
7 He just told you he had no way of knowing. You used the
8 word natural father. He has no way of knowing whether
9 or not David Bush is the natural father.

10 BY MR. PURICELLI:

11 Q. Read the Complaint, would you, Major, and tell me
12 in the Complaint any paragraph you think you have
13 information on from your review of all the records you
14 reviewed before March 5th, 2008?

15 A. I don't know which I reviewed before, after March
16 5th, 2008. What would you like to know?

17 Q. I'd like to know what you actually have knowledge
18 about in that Complaint, whether you learned that
19 knowledge through a document, whether you learned that
20 knowledge through a person you talked to but so long as
21 you acquired the knowledge sufficient to say whether
22 something is true or not in the Complaint?

23 A. I just don't understand what you're asking me
24 for.

25 Q. I want to know why you cannot admit certain

1 things in this Complaint that you testified about both
2 at an arbitration and today?

3 **A. I'll let you discuss that with my attorney. I**
4 **have no concept what you're asking me.**

5 **Q.** You may not. Your attorney does.

6 You certified to the court that you have no
7 knowledge about, sufficient to say that something is
8 true or not true. And we talked all about, all about
9 David Bush, Christopher Bush, going down to Virginia.
10 You testified in this deposition about him going to
11 Virginia.

12 **A. I don't know that I did.**

13 **Q.** Okay. But in this Complaint, you say you don't
14 know anything about that, going to Virginia?

15 **A. I sure don't know much about what happened.**

16 **Q.** In fact, you had a document you showed me today
17 about a decision in Virginia on custody. What did that
18 tell you? Who was the father?

19 **A. Is that the question?**

20 **Q.** Yeah. Did it tell you who the father was?

21 **A. I don't know that it told me who the father was.**
22 **It listed him as the father, made reference as the**
23 **father.**

24 **Q.** What reason did you have to say he wasn't the
25 father?

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1 **A. I didn't say he wasn't, Counsel.**

2 **Q.** You simply say you don't have enough information
3 sufficient to say he was or wasn't?

4 **A. Well, okay.**

5 **Q.** You also said you didn't have any knowledge
6 sufficient to say that?

7 **A. Okay.**

8 **Q.** What knowledge did you have to know anything
9 about David Bush other than what you read? Isn't David
10 Bush trying to obtain the help of Defendant Tripp to
11 locate his children?

12 **A. I think at one point he did, yes.**

13 **Q.** When did you learn he might have asked Tripp to
14 help find his kids, before or after March 12th of 2008?

15 **A. Before.**

16 **Q.** In fact, you say you denied that happened in your
17 Answer. Why did you say that?

18 MR. HENZES: Which paragraph?

19 MR. PURICELLI: 12.

20 MR. HENZES: Read 12.

21 MR. PURICELLI: I said read part 12.

22 MR. HENZES: What part did you read?

23 MR. PURICELLI: Randy --

24 MR. HENZES: Stop. Stop. No. No. You're
25 misrepresenting. Where does it say in here that Bush

1 asked Tripp for help?

2 MR. PURICELLI: 12. Plaintiff David Bush at
3 such time also tried to obtain the aid of Defendant
4 Tripp to locate the children, denied. Yet, today, you
5 tell me at sometime, he did.

6 THE WITNESS: I will let you and Randy argue
7 this out.

8 MR. HENZES: The whole paragraph denied,
9 denied what was stated because it stated that Tripp was
10 instructed by the District Attorney to search for David
11 Bush.

12 MR. PURICELLI: For Sara Bush.

13 MR. HENZES: For Sara Bush. And you go
14 through that multiple, multiple lines.

15 BY MR. PURICELLI:

16 **Q.** But we can agree that he did ask for help?

17 **A. Yes.**

18 MR. HENZES: No, he can't.

19 MR. PURICELLI: You're not the deponent and
20 your client just got done saying yes for crying out
21 loud. Lawyers, and I'm one.

22 BY MR. PURICELLI:

23 **Q.** Do you know factually, one way or the other,
24 whether Tripp was instructed by the District Attorney?

25 **A. I don't know if Trip was instructed by the**

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1 **District Attorney.**

2 **Q.** Okay. So, you can't say whether it is or isn't
3 true correct, because you don't have enough information,
4 correct?

5 **A. To determine whether it was directly instructed**
6 **to Tripp or not, I do not know the answer to that**
7 **question.**

8 **Q.** You don't whether or not the search of the
9 District Attorney's office as alleged here, was to place
10 the absconded children into NCIC? In other words, look
11 for them, see if they should be in NCIC?

12 **A. No. I don't believe that was the purpose.**

13 **Q.** So, you don't know, right?

14 **A. No. That was not the purpose.**

15 **Q.** What was the purpose?

16 **A. It was not to locate them, to place them into**
17 **NCIC.**

18 **Q.** Did Tripp himself agree to aid David Bush in
19 finding his children?

20 **A. I don't know.**

21 **Q.** So, you can't say he didn't do it or did do it?

22 **A. He participated in some portion by the reports**
23 **there that his guys attempted to locate the children.**

24 **Q.** On October 12th, 2006, did David Bush locate his
25 children in the city of Richmond, Virginia?

1 **A. I don't know.**
 2 **Q.** Isn't there any documents that you read that said
 3 they did or didn't?

4 **A. I don't remember.**

5 MR. HENZES: David Bush didn't find the
 6 kids. You know that. His brother found them.

7 MR. PURICELLI: How do you know that?

8 MR. HENZES: He testified at his deposition
 9 that he found them. He told his brother. Let's be fair
 10 about that. All right?

11 BY MR. PURICELLI:

12 **Q.** Were their names and Social Security numbers
 13 changed? Do you know if that occurred?

14 **A. I believe it did.**

15 **Q.** There are things in here that you can say were
 16 true and admit to and things that you couldn't because
 17 you don't know, correct?

18 **A. I'll let you and the attorney argue that.**

19 **Q.** Let me tell you that if you admit things that we
 20 can agree to, I don't have to ask the question. Now I'm
 21 doing this.

22 Now, when you read the Decision?

23 MR. HENZES: Which Decision?

24 MR. PURICELLI: Well, if you let me finish,
 25 the Decision in Virginia.

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1 MR. HENZES: Okay.

2 BY MR. PURICELLI:

3 **Q.** Was there mention anywhere that on or about
 4 October 13th, 2006, that David Bush was awarded full
 5 custody and exclusive custody of his children by the
 6 court by the city of Richmond? Did you learn that that
 7 happened?

8 **A. I don't remember.**

9 **Q.** Let's take ten minutes. And if you don't
 10 remember anything, we're done. Read the Complaint.
 11 Tell me what you know anything about and I'll ask you
 12 about it.

13 If you don't know anything about it, we're done.

14 MR. HENZES: Off the record.

15 -----

16 (Whereupon, a short break was taken.)

17 -----

18 MR. PURICELLI: We've had an informal
 19 discussion off the record with counsel and the witness.
 20 They're going to go through the Complaint. They're
 21 going to get an amended Complaint and they're going to
 22 file an amended Answer. And those parts of the amended
 23 Answer or amended Complaint that they can agree with,
 24 they'll agree with. Those parts that they can't, they
 25 won't. They'll tell me why.

1 MR. HENZES: We will attach this. You don't

2 do this in federal court. It will solve your problem.

3 We will attach the penalty and perjury statement, that

4 they were signed and it will solve your problem. It

5 solves your problem of having to know whether or not

6 that means. That's their answers, that they're adopted

7 because you run into that.

8 It does beg the question in the federal

9 form, what implications do these things have,

10 viz-si-viz, when an attorney files something without a

11 Complaint side, other than to say we read something.

12 MR. PURICELLI: That's fine. We'll do it

13 that way. At this point, I can adjourn and close this

14 witness off.

15 -----

16 (Whereupon, the deposition was concluded at

17 4:45 p.m.)

18 -----

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C E R T I F I C A T E

I hereby certify that the proceedings and
 testimony taken by and before me are contained fully and
 accurately in the notes of testimony, and that the
 foregoing is a true and correct transcript of the same.

 Cindy D. Liffman

Court Reporter and Notary Public

(The foregoing certification of this
 transcript does not apply to any reproduction of the
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 reporter.)

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